

Appl. No. 09/912711
 Amdt. dated Jan. 12, 2004
 Reply to Office Action of July 10, 2003

REMARKS

Claims 1-27 have been canceled without prejudice, and claims 28-40 have been added. Claims 28-40 remain pending. Reconsideration and reexamination of the application, as amended, are requested.

The new claims find basis from the original claims as follows:

New Claim:	Finds Basis in Original Claim(s):
28	1, 3, 17
29	1, 3, 17
30	4
31	6
32	Spec. P. 15, line 23 to P. 16, line 4
33	13
34	16
35	21
36	22
37	24
38	Spec. P. 15, line 23 to P. 16, line 4
39	13
40	16

The Examiner rejected claims 1-12, 17-21 and 23-25, under 35 USC §103(a) as being obvious on consideration of Asakura and Chan et al.

Asakura discloses a compact disk with additional memory addressable by a disk player. The compact disk has a recorded area 1', a memory IC chip 2, and terminals 3. The recorded area 1' and the memory IC chip 2 are memory and the terminals 3 function to make electrical contact between the memory IC chip 2 and the pick-up terminal 30 of the disk player when the disk is stopped or not rotating.

Chan discloses a disk having storage and self-diagnostics. A plurality of operating systems are stored on the disk.

Claim 28 requires that the electronic circuit portion is a part of the disk storage media and has discriminating means, selecting means, and notifying means. Asakura discloses only a memory IC chip as a part of a disk and does not disclose discriminating means, selecting means, or notifying means. Chen discloses nothing in this regard. The limitations of the media of claim 28 do not follow from a consideration of the cited references and are non-obvious thereover.

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Likewise, claim 29 has an electronic circuit portion as a part of the media which includes selecting means for discriminating and selecting, as well as notifying means.

Claim 35 is directed to a computer system having disk storage media with an electronic circuit portion which includes discriminating means, selecting means, and notifying means.

Claims 28-35 and 37-39 do not follow from Asakura and Chen and are non-obviousness.

The Examiner rejected claims 13-16, 22, and 26 under 35 USC §103(a) as being obvious on consideration of Asakura, Chen and Momose (JP '635).

Momose discloses the downloading to a printer of optimum firmware from a plurality of kinds of firmware stored by the host computer.

The addition of Momose to a consideration of Asakura and Chen, does not create a prima facie case of obviousness of claim 36 which requires the electronic circuit portion of the disk storage media to include discriminating means, selecting means, and notifying means. Likewise, claim 40 is non-obvious.

The Examiner rejected claims 23 and 27 under 35 USC §103(a) as being obvious on consideration of Asakura, Chen and Schmidt et al. This rejection is moot.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration and reexamination are requested. Allowance of claim 28-41 at an early date is solicited.

Respectfully Submitted,

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Dated: January 12, 2004